

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**IN RE PAYMENT CARD
INTERCHANGE FEE AND MERCHANT
DISCOUNT ANTITRUST LITIGATION**

No. 05-MD-01720 (JG) (JO)

This Document Applies to:

***CVS Pharmacy, Inc. v. Visa Inc., et al.*, No.
13-CV-03059 (E.D.N.Y.) (JG) (JO).**

STIPULATION AND PROPOSED ORDER

WHEREAS, CVS Pharmacy, Inc. filed an action captioned *CVS Pharmacy, Inc. v. Visa Inc., et al.*, No. 13-CV-03059 (E.D.N.Y.) (JG) (JO) (the “CVS Action”), as an opt out from the Rule 23(b)(3) Settlement Class in the *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, No. 05-MD-01720 (E.D.N.Y.) (JG) (JO) (“MDL 1720”); and

WHEREAS, the parties to the CVS Action wish to extend the time for responding to the complaint and to stay discovery and disclosure obligations as set forth below.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to the approval of the Court, that:

1. Each defendant accepts service of the complaint.
2. Each defendant’s time to move, answer, or otherwise respond to the complaint shall be extended until ninety days after the Court decides the pending motion for final approval of the class settlement in MDL 1720.
3. All discovery, and any disclosure or reporting obligations under Federal Rules of Civil Procedure 16 and 26, shall be stayed until ninety days after the Court decides the pending motion for final approval of the class settlement in MDL 1720, without prejudice to any party’s

right to lift that stay before that time, and without prejudice to any party's right to seek to maintain a stay if another party lifts the stay.

Dated: July 30, 2013.

Respectfully submitted,

SPERLING & SLATER, P.C.

By: 

Paul E. Slater
55 West Monroe Street, Suite 3200
Chicago, IL 60603
(312) 641-3200
pes@sperling-law.com

GRANT & EISENHOFER, P.A.

Linda P. Nussbaum
485 Lexington Avenue, 29th Floor
New York, NY 10017

VANEK, VICKERS & MASINI, P.C.

Joseph M. Vanek
David P. Germaine
55 West Monroe Street, Suite 3500
Chicago, IL 60603

Attorneys for Plaintiff CVS Pharmacy, Inc.

ARNOLD & PORTER LLP

By: 

Robert C. Mason
399 Park Avenue
New York, NY 10022
(212) 715-1000
robert.mason@aporter.com

Robert J. Vizas
Three Embarcadero Center, 10th Floor
San Francisco, CA 94111

Mark R. Merley
Matthew A. Eisenstein
555 12th Street, NW
Washington, DC 20004

HOLWELL SHUSTER & GOLDBERG LLP

Richard J. Holwell
Michael S. Shuster
Demian A. Ordway
Zachary A. Kerner
125 Broad Street, 39th Floor
New York, NY 10004

*Attorneys for Defendants Visa Inc., Visa U.S.A.
Inc., and Visa International Service Association*

WILLKIE FARR & GALLAGHER LLP

By: 

Keila D. Ravelo
Wesley R. Powell
Matthew Freimuth
787 Seventh Avenue
New York, NY 10019
(212) 728-8000
kravelo@willkie.com

**PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP**

Kenneth A. Gallo
2001 K Street, NW
Washington, DC 20006

Andrew C. Finch
Gary R. Carney
1285 Avenue of the Americas
New York, NY 10019

*Attorneys for Defendants MasterCard
Incorporated and MasterCard International
Incorporated*

SO ORDERED:

Dated: _____

New York, New York

United States District Judge